

REMARKS

In the Office Action under reply, claims 42-45, 47, 49-51, 54-58, 60, 62-65 and 67-71 have been rejected under 35 U.S.C. 102 as being anticipated by Tanaka et al. (“Tanaka ‘763”) (U.S. Patent 7,321,763). Claims 46 and 59 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka ‘763 in view of Yamazaki et al. (“Yamazaki ‘777”) (US Patent 6,724,777). Claims 48 and 61 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka ‘763 in view of Chiba (US Patent Publication No. 2001/0047403). Claims 53 and 66 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka ‘763 in view of Yamazaki et al. (“Yamazaki ‘727”) (US Patent 6,785,727). Claim 52 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka ‘763 in view of Tanaka et al. (“Tanaka ‘387”) (US Patent 7,327,387). With respect to Applicant’s claims, these rejections are respectfully traversed.

Applicant’s independent claim 42 recites an information processing apparatus capable of communicating with an information input apparatus, comprising: reception unit configured: (1) in a first reception operation where the information processing apparatus is connected to the information input apparatus, to receive information specifying a file recorded on a recording medium of the information input apparatus; (2) in a second reception operation after the reception in the first reception operation, to receive part of attribute information, not all of the attribute information, of the file recorded on the recording medium of the information input apparatus; and (3) in a third reception operation after the reception in the second reception operation, to receive information which has not been received in the second reception operation, not all of the file, among information included in the file recorded on the recording medium of the information input apparatus. Independent method claim 68 recites similar

features. In addition, independent claims 55 and 69 recite an apparatus and method, respectively, that pertain to a transmission unit that is configured to transmit the information received during the three operations recited in Applicant's claim 42. Such a construction is not taught or suggested by the cited art of record.

More particularly, and in accordance with the present invention, three operations are carried out in the specific order of the first operation, then the second operation, and then the third operation. These operations, as recited in Applicant's independent claim 42, are as follows:

- (1) information that specifies a file to be sent to the reception unit is received in the first operation;
- (2) only a portion of the attribute information (i.e., not all of the attribute information of the file to be sent is received in the second operation; and finally
- (3) only another part of information of the file is received in the third operation.

As illustrated below, Tanaka '763 does not disclose receiving (or transmitting) the information recited in Applicant's claim 42 and, further, Tanaka '763 does not disclose such information in the particular order recited.

Tanaka '763 discloses a technique for enabling a camera (10) (see Fig. 1) to communicate with a remote site, such as a photographic sharing service (90) or the Sato photograph laboratory (92), via the internet (48) using a cellular telephone (40). First, the camera designates a destination (i.e., a site) on the internet and if communication is established with that destination, the camera sends a print order file and image files to the destination via the cellular telephone.

In the Office Action, the Examiner asserts that transmission (or reception) of the above-mentioned print order file of Tanaka ‘763 corresponds to Applicant’s recited first operation. (Office Action, page 3, lines 5-11). The Examiner then asserts that transmission/reception of the name of the server of the selected destination (transmitted to the cellular telephone) corresponds to Applicant’s recited second operation. (Office Action, page 3, lines 12-18). Finally, the Examiner asserts that the uploading of images and voice information corresponds to Applicant’s recited third operation. (Office Action, page 3, line 19 to page 4, line 5).

Firstly, in connection with Applicant’s recited second operation, it is clear that the transmission/reception of the name of the server of the selected destination as described in Tanaka ‘763 does not correspond to or otherwise represent or disclose Applicant’s recited second operation. In particular, Applicant’s recited second operation states that part of the attribute information of the file recorded on the recording medium is received, but the name of the server of the selected destination as discussed in Tanaka ‘763 in no way relates to the file or files that are recorded (the image files stored on the camera). In other words, the information that is sent during this second operation (as represented by the Examiner – as discussed in Tanaka ‘763 in col. 9, lines 9-24) simply is not attribute information of the file recorded on the recording medium since absolutely no information about such file is provided by the name of the server of the selected destination. Hence, Tanaka ‘763 does not disclose Applicant’s recited second operation.

Secondly, there is no other disclosure in Tanaka ‘763 that provides for Applicant’s recited second operation between the recited first and third operations. That is, and as discussed in Tanaka ‘763 in col. 10, lines 3-22 (and particularly lines 17-22), Tanaka ‘763 transmits the print order file (containing a file name, number of prints and print type) and then

immediately transmits the entire image file to the destination selected. Hence, in Tanaka ‘763, information that specifies the image file is transmitted (arguably corresponding to Applicant’s recited first operation) and then the image file is transmitted. Even the transmission of the image file does not correspond to Applicant’s recited third operation since the third operation recites receiving/transmitting only a part of the information of the file, not the entire file. Hence, Tanaka ‘763 completely lacks any discussion that could possibly correspond to Applicant’s recited second operation and also does not disclose Applicant’s recited third operation.

Finally, the Examiner in the Office Action makes the statement “... the electronic camera 10 [of Tanaka ‘763] is arranged to automatically send the print order file as in [Applicant’s] second reception operation ...” (Office Action, page 4, lines 2-3, emphasis added). It is submitted that this statement is completely inconsistent with the Examiner’s prior assertion that transmission of the print order file corresponds to Applicant’s first reception operation, as discussed in the Office Action on page 3, lines 5-11 (and referenced in the discussion above). Hence, it is submitted that such a statement is erroneous. In addition, even if one were to construe the transmission of the print order file in Tanaka ‘763 as corresponding to Applicant’s recited second operation, then Tanaka ‘763 completely lacks Applicant’ recited first operation (receiving information specifying a file recorded on a recording medium).

In other words, regardless of whether transmission of the print order file in Tanaka ‘763 corresponds to Applicant’s recited first operation or Applicant’s recited second operation, Tanaka ‘763 completely lacks the other operation (i.e., the second or first operation) recited in Applicant’s claims. And, moreover, it is improper to deem the transmission of the print order

PATENT
S/N: 10/808,868
B588-684 (25815.700)

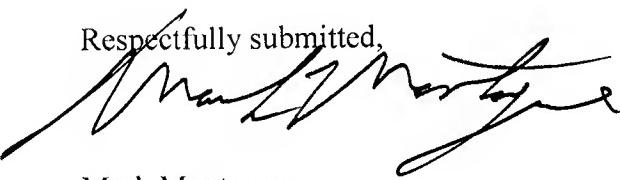
file in Tanaka '763 as representing or corresponding to both Applicant's recited first and second operations.

Therefore, Tanaka '763 neither discloses nor suggests the above-described features of Applicant's independent claim 42. Hence, Applicant's claim 42, and Applicant's independent claims 55, 68 and 69 since they disclose such features in one form or another, and their respective dependent claims, thus patentably distinguish over Tanaka '763. In addition, the other references cited against various dependent claims, namely, Yamazaki '777, Chiba, Yamazaki '727, and Tanaka '387, fail to add anything to Tanaka '763 to change this conclusion.

In view of the above, it is submitted that Applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration and allowance of the application and claims is respectfully requested.

Dated: September 29, 2009

COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, NY 10036-6799
T (212) 790-9200

Respectfully submitted,

Mark Montague
Reg. No. 36,612